

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANZHELIKA PRIMAK,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

**NOTICE OF MOTION
AND MOTION FOR A
STAY IN LIGHT OF
THE LAPSE IN
APPROPRIATIONS**

Civil Action No. 18-CV-1758

(Glasser, J.)
(Scanlon, M.J.)

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The United States of America (“United States”) hereby moves for a stay of the above-captioned case, a corresponding extension of existing deadlines, and an adjournment of plaintiff’s deposition scheduled for January 24, 2019.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Those limited circumstances do not apply to this case.

4. Undersigned counsel for the Department of Justice therefore requests a stay of this case and an adjournment all deadlines after Congress has restored appropriations to the Department.

5. As a result of the lapse in appropriations, several items of discovery cannot proceed as anticipated. Specifically, Defendant United States anticipated taking the deposition of the plaintiff on January 24, 2019, and such cannot be conducted during the lapse in funding. In addition, the government has not been able to procure or make arrangements with experts to perform work in this matter due to the lapse in funding.

6. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The United States requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

7. Opposing counsel has authorized counsel for the United States to state that Plaintiff takes no position with respect to this request for a stay.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the United States hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: Brooklyn, New York
January 18, 2019

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Counsel for Plaintiff

*Stay Granted
so Ordered
John Blaser
1/18/19 USDOJ*